

CLAIM AMENDMENTS:

Please amend claims 1-23 and add new claim 24-26 as shown in the complete list of claims that is presented below:

1. (Currently Amended) A method of ~~digital video capture~~ for capturing video data to into a computer system, the method comprising the following steps:

(a) reading the video data;

(b) detecting the video data ~~and determining file size of the video data and to estimate~~ scene change changes and to determine a file size for being split so that an identical scene will not be split into two different files; and

(c) splitting the video data into a plurality of video files; and

(d) storing ~~the video data into a~~ the plurality of video files.

2. (Currently Amended) The method of ~~digital video capture~~ according to claim 1, wherein ~~the method~~ the step of detecting video data further comprises ~~setting up a default size of video data before said step (b), estimating the file size of the video data continuously reading~~ video data when a scene change is not detected from the read video data that has a default size, and further the continuously read video data is not greater than a limitation of a file system.

3. (Currently Amended) The method of ~~digital video capture~~ according to claim 1 2, wherein ~~the video data comprises at least a first scene and a second scene~~ the step of

continuously reading video data will be stopped when a scene change is detected or the size of the video data is equal to the limitation of the file system.

4. (Currently Amended) The method ~~of digital video capture~~ according to claim 3, wherein the video data comprises at least a first scene and the a second scene further comprise including a plurality of frames respectively.

5. (Currently Amended) The method ~~of digital video capture~~ according to claim 4, wherein ~~the estimate of scene change in said step (b) further comprises calculating~~ an interval of recording time between a frame and its adjacent frame is calculated as the estimate of scene change.

6. (Currently Amended) The method ~~of digital video capture~~ according to claim 5, wherein the interval between the last frame of the first scene and the first frame of the second scene is greater than the interval between 2 adjacent frames of others.

7. (Currently Amended) The method ~~of digital video capture~~ according to claim 4, wherein ~~the determination of scene change in said step (b) further comprises distinguishing the~~ difference between object characters of a frame and its adjacent frame is employed to determine whether scene change occurs.

8. (Currently Amended) The method of ~~digital video capture~~ according to claim 4, wherein ~~in said step (e)~~, frames of the first scene and frames of the second scene are split into different video files.

9. (Currently Amended) The method of ~~digital video capture~~ according to claim 8, wherein frames of the ~~first~~ same scene are stored in the same video file.

10. (Currently Amended) The method of ~~digital video capture~~ according to claim 8 ~~3~~, wherein ~~frames of the second scene are stored in the same video file~~ the file size of video data for being split is determined when a scene change is detected.

11. (Currently Amended) A method of ~~digital video capture~~ is for capturing video data ~~to~~ into a computer system, wherein the computer system comprises a storage unit, the method comprising the following steps:

- (a) reading a plurality of frames of the video data;
- (b) estimating the file size of the video data;
- (c) detecting a scene change between the frames;
- (d) splitting the video data into a plurality of video files so that an identical scene will not be split into two different files; and
- (e) storing the video files ~~to~~ into a storage unit.

12. (Currently Amended) The method of ~~digital video capture~~ according to claim 11, wherein the method further comprises setting ~~up~~ a default value ~~of~~ for the size of video data before said step (b).

13. (Currently Amended) The method of ~~digital video capture~~ according to claim 12, wherein the method continues to proceed to said step (c) when the size of the captured video data is greater than the default ~~value;~~ value, and the method goes back to said step (a) when the size of the captured video data is less than the default value.

14. (Currently Amended) The method of ~~digital video capture~~ according to claim 13, wherein the video data comprises at least a first scene and a second scene.

15. (Currently Amended) The method of ~~digital video capture~~ according to claim 14, wherein the method further comprises calculating an interval of recording time between a frame and its adjacent frame in said step (c).

16. (Currently Amended) The method of ~~digital video capture~~ according to claim 15, wherein the interval between the last frame of the first scene and the first frame of the second scene is greater than the interval between 2 adjacent frames of others.

17. (Currently Amended) The method of ~~digital video capture~~ according to claim 14, wherein the determination of scene change in said step (b) further comprises distinguishing the difference between object characters of a frame and its adjacent frame.

18. (Currently Amended) The method of ~~digital video capture~~ according to claim 14, wherein in said step (d), frames of the first scene and frames of the second scene are split into different video files.

19. (Currently Amended) The method of ~~digital video capture~~ according to claim 18, wherein frames of the ~~first~~ same scene are stored in the same video file.

20. (Currently Amended) The method of ~~digital video capture~~ according to claim ~~18~~ 13, wherein ~~frames of the second scene are stored in the same video file~~ the file size of video data for being split is determined when a scene change is detected.

21. (Currently Amended) A device of ~~digital video capture~~ for capturing video data stored in a tape ~~to~~ into a computer system, wherein the computer system comprises a storage unit, the device of digital video capture comprising:

a reading unit for reading video data;

a detection unit for ~~estimating file size and~~ detecting changes of scenes;

a determining unit for determining a file size to be split so that an identical scene will not be split into two different files; and

a splitting unit for splitting video data into a plurality of video files and then storing the video files into the storage unit.

22. (Currently Amended) The device of ~~digital video capture~~ according to claim 21, wherein the video data comprises a plurality of frames.

23. (Currently Amended) The device of ~~digital video capture~~ according to claim 22, wherein the reading unit further comprises a memory for storing the frames temporarily.

24. (New) The device according to claim 21, wherein the reading unit will be used to continuously read video data when a scene change is not detected by the detection unit and the size of video data is not greater than a limitation of a file system.

25. (New) The device according to claim 21, wherein the reading unit is stopped from continuously reading video data when a scene change is detected by the detection unit or the size of the video data is equal to a limitation of a file system by the determining unit.

26. (New) The device according to claim 25, wherein the determining unit determines the file size to be split when a scene change is detected by the detection unit.